IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

AND
THE HON'BLE SRI JUSTICE T.Ch.SURYA RAO

WRIT PETITION No.11 of 2005

Between:

G.Shanker, S/o.Jangaiah,
R/o.TRT-126, Jawahar Nagar, Hyderabad.

..... PETITIONER

AND

1.The Joint Commissioner of Transport, Govt. of A.P.,

at Khairatabad, Hyderabad.
2.The Regional Transport Authority, at Khairatabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly one in the nature of writ of Mandamus, directing the respondents to release the petitioner's vehicle viz. Maruthi van bearing No.AP.09/AL-9668 while deleting the imposed fine amount and accept the real admitted tax.

Counsel for the Petitioner: Mr.G. L. NARASIMHA RAO

Counsel for the Respondents : G.P. FOR TRANSPORT

The Court at the admission stage made the following :

ORAL ORDER: (per Sri Justice M.H.S.Ansari)

Having heard the learned counsel for the respective parties, we find that the instant writ petition is filed not by the registered owner of the vehicle in question, but by a person claiming to have purchased the same from the registered owner. It does not appear that amendments have been made in the R.C. Book with respect to the ownership of the vehicle in question.

We also find that the authority competent to grant interim custody of the vehicle in question pending enquiry is the Regional Transport Authority, being respondent No.2 herein. As no such application has been made before the competent authority (respondent No.2 herein), we are not inclined to consider the matter on merits or issue any direction, much less, as prayed for.

The writ petition is accordingly dismissed. This order shall not preclude the competent person from making an appropriate application before the Regional Transport Authority (respondent No.2 herein) for release of the vehicle.

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(M.H.S.ANSARI, J.)

31st January 2005.

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(T.Ch.SURYA RAO, J.)

ARS

To

1.The Joint Commissioner of Transport, Govt. of A.P.,

Khairatabad, Hyderabad.
2.The Regional Transport Authority, Khairatabad, Hyderabad.

3. Two CCs to Govt. Pleader for Transport, High Court Bldgs., Hyderabad (OUT).

4. Two CD copies.